

SPRING 2004

CROSSROADS

*New Hampshire Department of Corrections
Victim Services Office*

“Inform & Involve Survivors of Crime”

New Hampshire Crime Victims' Rights Day
~ Tuesday, April 20, 2004 ~
In Honor of National Crime Victims' Rights Week

This CROSSROADS

By Peter Michaud

One principle for effective crime victim services involves working as partners with others in the justice system and in New Hampshire's communities. From the perspective of victims of crime, it is important that we all support justice by:

- * *Acknowledging the harms caused by crime;*
- * *Listening to victims & survivors of crime;*
- * *Addressing relationships between victims, offenders & communities;*
- * *Providing opportunities to promote victim empowerment & offender change;*
- * *Supporting the role & interest of communities in achieving justice;*

In this Spring edition of ***Crossroads***, we include information about victim participation during Superior Court trials, senior citizens who are abused by loved ones, and crime victims/survivors and offenders who choose to meet years after the crime. There are also articles about victim compensation, the NH Adult Parole Board, and a life-changing experience for one New Hampshire citizen after the terrorist attacks on September 11, 2001.

During April, there are ceremonies throughout New Hampshire in honor of the 2004 National Crime Victims' Rights Week (April 18 - 24). April is also National Sexual Assault Awareness Month. During May, there are national and New Hampshire Law Enforcement Officers Memorial ceremonies.

This Spring, we hope you can attend an event or two in honor and support of all people with firsthand experience dealing with the many impacts of crime in New Hampshire communities.

Events include:

- 11:00 a.m. Press Conference at St. Paul's Church, Park Street, Concord
- Display of the AmeriCorps Clothesline Project, at the Statehouse Plaza honoring survivors of sexual and domestic violence
- “Stand in Our Shoes” Display, on the Statehouse Plaza in honor of survivors of sexual violence
- Displays sponsored by victim advocacy organizations
- 5:30 p.m. Memorial Service, at St. Paul's Church, in tribute to all those who have died or have been traumatized by violent crime
- 7:00 p.m. Vigil and reception at St. Paul's Church

Sponsored by: NH. Attorney General's Office, US Attorney's Office, AmeriCorps Victim Assistance Program, NH Coalition Against Domestic & Sexual Violence, Victims, Inc., Parents Of Murdered Children, & NH Division of Elderly & Adult Services

VICTIMS' RIGHTS
AMERICA'S VALUES
NATIONAL CRIME VICTIMS' RIGHTS WEEK
APRIL 18-24, 2004

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A NEW BEGINNING LEADS TO VICTIM ADVOCACY

By Dan Mangan

The dust had not yet settled from the collapse of the World Trade Center's twin towers when I knew that my own direction in life was about to take a radical turn. Sometimes, that's how a turning point in life is – sudden and decisive. I knew that I wanted to help people whose lives had been severely jolted by criminal action, but I didn't know how to go about it.

Firmly entrenched in a solid 22-year career as a marketing consultant in high-tech industry, I would have to “re-invent” myself – and make a few sacrifices in the process. The thought of going back to school was unsettling. If I went back, would a new skill set do me, or others, any real good?

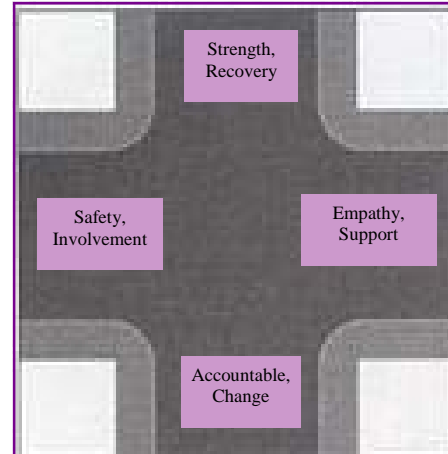
Now, two and a half years after the towers fell, I find myself with a freshly minted master's degree in criminal justice from the University of Massachusetts. But more importantly, I have seen my own future as a victim advocate come into focus.

Why victim advocacy? I quickly learned there's an urgent and undeniable need. The first graduate course I took was called Family Violence. It provided a grim view into the plight of many defenseless victims: children and partners of abusers and batterers. Until then, I had worked in sterile corporate microcosms and was shamefully ignorant of the bleak netherworld of victimology. Soon my interest spread to victims of all manner of crime. It struck me that our criminal justice system is rife with protections for the accused and for defendants, as it should be. *But what about the victims? What about their rights? Who watches out for them?*

Then I discovered the New Hampshire AmeriCorps Victim Assistance Program.

The AmeriCorps Victim Assistance Program recruits, trains and places victim advocates to assist crisis centers, police departments, prosecutor offices, and the NH Department of Corrections in supplying support services to crime victims. I was fortunate to be selected by AmeriCorps to serve as a victim advocate with the NHDOC. My one-year tour of duty helps bring real services where they are needed most – directly to the victims of crime.

In my job I help victims of all kinds: survivors of domestic violence, victims of violent “instant offense” crimes, and sexual assault victims are just a few examples. Sometimes the victims need help in understanding the criminal justice process; others need a voice on the “inside” of DOC; others simply need someone to call so they can vent.



I strive to treat each crime victim as an individual and make each solution reasonable and effective. But it's not always that easy.

The challenges in dealing with crime victims are many. Just keeping up with a victim's whereabouts can be difficult. There are justifiably anxious victims who express serious safety concerns, usually when a violent offender is up for parole or out on probation. Other people want to be heard in victim impact statements during the presentence investigation. Some victims simply want the restitution that's owed them. Through it all, the victim advocate plays an important role.

More than halfway through my AmeriCorps tour, I've seen a lot. Day after day, I continue to be humbled by the dedication of the probation/parole officers and the support staff with whom I work. They have a tough job.

But I am most greatly affected by the crime victims themselves. I am moved by their gross misfortune and inspired by their staunch resilience. One case at a time, I build upon the excellent work begun by my AmeriCorps predecessors. Our goal is to help further define and enhance the role of victim advocacy within the NH Department of Corrections. It's an evolutionary process, one that builds on bettering victims' lives. I am convinced we are making a difference.

To be sure, serving as a victim advocate with the NH Department of Corrections means that my own crossroads journey has hit a major milestone: I successfully made that important first leap to a new career path. It shows that new beginnings come in different forms, and can have far-reaching effects.

Dan Mangan is AmeriCorps Victim Advocate at the NH Department of Corrections Manchester District Office. He can be reached at (603) 668-0432 or via email at dmangan@nhdoc.state.nh.us.

I strive to treat each crime victim as an individual and make each solution reasonable & effective.

“This April, we share an important opportunity to promote our shared values for victims’ rights and victim assistance - safety in our homes, schools, and communities; ensuring that crime victims’ rights are implemented throughout our criminal and juvenile justice systems; and making sure that victims’ voices are consistently heard throughout our systems of justice and our nation as a whole. The theme of 2004 National Crime Victims’ Rights Week – ‘Victims’ Rights: America’s Values’ – can help unite our entire nation behind the basic value of ‘justice for all.’ ”

**John W. Gillis, Director
U.S. Department of Justice
Office for Victims of Crime**

The Assailant is Being Prosecuted ... What every victim should know

by Nancy Harris-Burovac

No person ever asks to be the victim of a crime. But it happens. Victims of crime then find themselves involved in the criminal justice process, which almost always is unfamiliar territory. Information offered by the Victim-Witness Assistance Program in the prosecutor’s office can arm victims with important knowledge while they are involved in a felony prosecution.

What happens after the police investigation?

After the police department (sometimes with others) investigates a felony crime, the County Attorney reviews the information and determines whether to seek “indictment” of the offender. This is done by presenting evidence to the Grand Jury. A Grand Jury is usually 12 to 25 citizens who determine whether there is enough evidence to bring a suspect to court for a trial.

When felony cases are pending before the Superior Court, a Victim Assistance advocate from the County Attorney’s Victim/Witness Assistance Program offers ongoing support and information. For many victims and survivors, the following questions and answers are helpful as they proceed through the court process.

Will I be notified of all hearings?

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NH Victims’ Assistance Commission: *For Victims of Violent Crime*

The NH Victims’ Assistance Commission was established in 1989 to assist victims of violent crime with expenses directly related to injuries sustained as a result of the crime. The costs of this financial assistance program are paid by motor vehicle and criminal fine assessments and federal funds granted through the Victims Of Crime Act.

We are staffed by two full-time employees who work with compensation applicants (crime victims/survivors) to prepare and submit claims for review by the Commission. The Commission is comprised of five volunteers from different professional backgrounds who review the claims and make final determination whether to grant compensation assistance consistent with governing rules and regulations.

Eligible applicants for crime victim compensation include: (a) any person who has sustained physical and/or mental injuries as a result of a felony crime that occurred in New Hampshire on or after 11/2/89 or a misdemeanor crime that occurred in New Hampshire on or after 7/1/97; or (b) any person who has sustained personal injury as a result of persons driving under the influence of alcohol or controlled substances in New Hampshire on or after 11/2/89.

To be eligible, the crime victim/survivor must have (a) reported the crime to local law enforcement or be able to document reasonable evidence of a crime through law enforcement reports or a domestic violence protection order; (b) cooperated with the reasonable requests of law enforcement officers and prosecutors in their investigation and prosecution of the crime; (c) incurred at least \$100.00 in out-of-pocket loss or liability as a result of the crime; (d) filed a written application within one year from the date of the crime, although a good cause waiver may be granted if there is a reasonable explanation for the application not being submitted within the first year.

Applicants must **not** have (a) contributed in any way to the injury or death; and/or (b) assisted in or committed the criminal act causing the injury or death.

If eligibility criteria are met, the primary focus of the Victims’ Assistance Commission is to assist survivors of violent crimes with out-of-pocket expenses that were a direct result of their victimization. This service can

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Protecting Adults Abused by Adults

By Lynn Koontz

They are slapped, kicked and burned. They are locked in rooms without food, water or toilet facilities. They are sworn at, ridiculed and coerced into giving up their money, property and belongings.

They are the victims of Adult Abuse.

Most of us are familiar with the serious problem of child abuse, and are aware that New Hampshire has a law to address the problem. Not as many of us, however, are aware that adult abuse is also a problem, a problem that is on the increase in New Hampshire as well as the rest of the country.

In 1978, **New Hampshire was one of the first states in the nation to enact an Adult Protective Services Law** (RSA 161-F: 42-57). Considered model legislation at the time for its scope and principles, the law covers individuals age 18 and up who are incapacitated. According to the law, adults are incapacitated when their physical, mental or emotional ability renders them unable to manage personal, home or financial affairs in their own best interests, or when they are unable to act or delegate responsibility to a responsible caretaker or caregiver. The types of abuse contained in the law are: physical abuse, emotional abuse, sexual abuse, neglect, exploitation, and self-neglect.

The law is civil, not criminal. **It has remedy as its focus**, an intent clearly stated in the following excerpt from its purpose section: "The purpose of the law is to provide protection for incapacitated adults who are abused, neglected or exploited. Implicit in this subdivision is the philosophy that whenever possible an adult's right to self-determination should be preserved...."

In addition to the philosophy expressed in its purpose section, the law also reflects New Hampshire's concern about its vulnerable adult citizens by the inclusion of a mandatory reporting section. It requires that **any person** suspecting or believing in good faith that an adult who is or who is suspected of being incapacitated has been subjected to abuse, neglect, self-neglect or exploitation, must report this to the NH Division of Elderly and Adult Services (DEAS), the Division of the Department of Health and Human Services that administers the Adult Protection Program. Persons making a report in good faith are immune from civil or criminal liability.

Who are the adult victims of abuse and neglect in New Hampshire? They range from the age of 18 to over a hundred.

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Compensation (from page 3)

assist victims/survivors with the following types of crime-related expenses or lost wages/support, which are not covered by insurance or other resources, in an amount not to exceed \$10,000 per victim:

- (a) *Medical and dental care needed for crime-related injuries*
- (b) *Mental health counseling with a licensed therapist for crime-related treatment;*
- (c) *Emergency relocation costs not to exceed \$4,000;*
- (d) *Emergency funds for sexual assault victims available through the local crisis centers;*
- (e) *Up to ten days of emergency funds available through the local crisis centers;*
- (f) *Reimbursement for replacement of clothing or bedding held for evidence purposes;*
- (g) *Mileage to and from licensed health care providers;*
- (h) *Costs associated with securing and cleaning a crime scene;*
- (i) *Medication and medication management;*
- (j) *Lost wages or loss of paid leave;*
- (k) *Loss of support for the dependents of homicide victims;*
- (l) *Funeral and burial expenses for homicide victims (up to \$3,000 for funeral expenses and up to \$500 for a grave marker);*
- (m) *Other reasonable crime-related out-of-pocket expenses.*

Crime victim compensation funds **cannot** make payment for general property loss or pain and suffering. Upon receipt of a claim application, the Commission staff formally acknowledges receipt and may request additional information/documentation to assist the Commission in its determination. Every claim is unique. The amount of time necessary for the claims process may vary greatly. The Commission's goal is to process compensation claims within three months.

Additional information about the NH Victims' Assistance Commission is available through the Commission's coordinator, Ms. Kimberly Therrien at (800) 300-4500 (in NH only), (603) 271-1284, or TherK@doj.state.nh.us.

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Adults Abused by Adults (from page 4)

They are living in a variety of settings. They may be physically or mentally disabled, they may suffer from a mental illness or dementia associated with aging, they may be elderly and in frail health. They are our associates, our friends, our neighbors; they are even members of our own families. They are living in their own homes or apartments, the homes or apartments of relatives and friends, nursing homes, assisted living facilities, rehabilitation centers, boarding homes, and specialized homes for the developmentally disabled or mentally ill. Regardless of where they live, what they all share is the inability to protect themselves or care for their own needs.

When a report of alleged abuse, neglect, exploitation or self-neglect is received, it is assigned for investigation to a DEAS staff member in one of the 12 Department of Health and Human Services District Offices located around the State, or to a staff member from the DEAS Central Office. The investigation is completed in accordance with the Adult Protection Law and rules adopted under New Hampshire's Administrative Procedures Act.

The DEAS staff member meets and speaks with the alleged victim, the alleged perpetrator (if any), and any other person who has information to provide about the matter under investigation. The staff member may also need to obtain and review medical records, photographs, correspondence, and/or other relevant documentation. It may be necessary to conduct additional interviews with any of the involved parties, based on a review of the information collected. After assessing all the facts, the DEAS staff member determines whether the investigated report was is founded (substantiated) or unfounded. Notifications regarding the outcome of the investigation are required to be sent to the alleged victim (or his/her guardian), the alleged perpetrator (if any), and the administrator of a facility if the alleged abuse, neglect or exploitation occurred in a facility. In a founded situation, the alleged perpetrator is afforded due process, and may appeal the determination.

If the report is founded and services are needed, DEAS offers protective services to the victim. For adults who are living independently in the community and are accepting of services, these services may include, but are not limited to, in-home services that help maintain health and independence, such as case management, counseling, homemaker, chore, home-delivered meals, and respite care to relieve an overburdened caregiver. For adults who are living in supervised settings, follow-up by facility staff may be necessary; in addition, referrals may be made to involve the services of the Office of the Long-Term Care Ombudsman.

In 1980, the first year for which New Hampshire collected Adult Protective Services statistics, 239 reports of alleged abuse, neglect, exploitation and self-neglect were received statewide. In calendar year 2003, 1,873 reports were re-

ceived, 1,245 of which concerned alleged victims who were 60 years of age and older. The most frequently reported age range of alleged victims was between 80-89; 4 individuals were over a hundred years of age.

The problem of adult abuse is growing. National Adult Protective Services experts estimate that only 1 of 14 adult abuse situations is reported. This means that for every one person who may receive support and services, there are 13 others who may be living in hazardous and destructive situations without help and without hope. In order for the NH Division of Elderly and Adult Services to be able to intervene and assist the most vulnerable of our disabled and elderly citizens in need of protection, we must all work together.

Making a report is the first step.

Lynn Koontz is Administrator with the NH Department of Health & Human Services, Division of Elderly & Adult Services. She may be reached at (603) 271-4409 or

NEW HAMPSHIRE VICTIMS' RIGHTS DAY

APRIL 20, 2004

Call 271-7819 for Schedule of Events

Prosecuted (from page 3)

Yes. However, not all hearings will require your presence. You can discuss with your Victim Assistance advocate the nature of the hearing (i.e. bail hearing, status conference, preliminary pretrial hearing) and determine if you want to or need to attend. Your advocate has many responsibilities that will be explained to you. This person is your contact person for any questions or concerns you have regarding the case.

Am I a "party to the case"?

No. When someone is a "party to the case," they have legal standing to file pleadings with the court and appear before the judge relative to the case. Victims are not a "party to the case," although they are given great consideration throughout the process and will be kept updated at each stage of prosecution. Victims may express their views about plea negotiations, going to trial, and their desire for a just sentence to the Victim Assistance advocate and the prosecutor, who work together as a team. Usually, the only "parties" to a criminal case are the State of New Hampshire (the prosecutor) and the defense attorney.

Where do I turn for help?

Your Victim Assistance advocate from the prosecutor's

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Striking a Balance: The Parole Board and Crime Victim Issues

By John F. Eckert

The NH Adult Parole Board holds about 1,000 parole hearings each year. While most parole hearings involve only the Board, the inmate, and the inmate's family, a sizable number include another very important person: the crime victim. New Hampshire law gives victims unrestricted access to the parole process. This can include attendance at parole hearings, a private meeting with the parole Board, or both. In addition, victim advocates from either the prosecutor's office or the DOC Victim Services Office attend hearings with, or on behalf of, the victim. The advocates play a vital role in preparing victims for the parole hearing.

The mission of the Parole Board is to return to society only those prisoners whom it believes will function as law-abiding citizens. Important parole criteria include the prisoner's institutional behavior and participation in treatment and other programs that address the underlying factors in criminal behavior. But the parole decision is more than a black and white evaluation of performance during incarceration. The sentiments of crime victims and survivors are an important factor in the equation.

The sentiments of crime victims and survivors are an important factor in the equation.

Most victims accept the fact that most inmates will eventually leave prison. The question is, how soon? For those prisoners who refuse to participate in treatment programs, or those who repeatedly violate the prison disciplinary code, the answer is simple: they will serve their maximum sentences. A far more difficult situation arises when the Board considers those inmates who have done all required of them while incarcerated. Most of these are already "outside the walls," in minimum security or halfway house settings, by the time they meet the Parole Board. For the victims and survivors, it can be a troubling time. The feeling of security experienced while the offender is locked inside the secure perimeter rapidly dissipates once he or she is in less restrictive settings.

The Parole Board has to find a middle ground between victim safety and recognition of prisoners who make an honest effort to better themselves. New Hampshire has a discretionary parole system. This means that the Parole Board must establish criteria to distinguish inmates who have tried to earn the privilege of parole, from those who have not. But what about the victim?

It is very likely that if they could vote for or against parole, many victims would vote to keep the offender in

Prosecuted (from page 5)

office offers help to you with information and support. There are other avenues you can pursue for assistance not specifically offered at the prosecutors' office. Your advocate can help you find those services in your community. These may include your local rape crisis center or domestic violence center that specialize in confidential crisis intervention, or you may consider connecting with a licensed therapist. Your advocate will also offer information about the New Hampshire Victims' Assistance Commission for financial help to victims/survivors of violent crime (for such services as mental health counseling, reimbursement for unpaid medical bills, emergency relocation, and much more).

What is expected of me at trial?

If the case against the assailant reaches trial, you will be the most important witness for the State. Most trials are held before a jury, whose job it is to listen to the evidence and render a verdict. Prior to trial, you will prepare with the prosecutor's office. You will know where to sit in the courtroom and where others will be seated. Pay close attention to any instructions from your Victim Assistance advocate or prosecutor. These may include such items as dress, demeanor, testifying, and your role and rights during trial. Some general tips:

- *Be sure you are open with the prosecutor's office about all the information you have. They want to avoid any surprises at trial. Share with them any and all information, even if you think it may be harmful to the case.*
- *It's not like TV. The rules in the courtroom are strictly followed. Lawyers and witnesses are not permitted to shout out or behave irresponsibly.*
- *The job of presenting evidence is solely that of the prosecutor. Wait for his/her questions; answer only that question unless you are asked to describe further. Don't offer information that wasn't asked for – your answer may be inadmissible evidence that the jury is not allowed to hear (such as the defendant's criminal history). If there are specific areas that have been deemed inadmissible prior to trial, the Victim Assistance advocate and prosecutor will advise you of that.*
- *Ask in advance of trial who may be in the courtroom with you. There are rules about other witnesses sitting in the courtroom, so check with your advocate. Do not communicate with any spectators in the courtroom from the witness stand (no thumbs up, okay signs or mouthing words of encouragement). The jury will be watching at all times. However, support for you is essential. If you bring a family member or friend to the trial you will have a place, other than the courtroom, to debrief and exchange words, hugs and to feel supported.*
- *Try to keep from arguing with defense counsel during cross-examination. Answer all questions truthfully and respectfully, even if you feel defense counsel is not respectful with you. Do not try to anticipate the reason for the question or*

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Q & A with the Victim Services Coordinator

What is the role of the NHDOC's Victim Services Office & why are crime victim services available in corrections?

For many decades, the justice system evolved to protect rights of the accused while attempting to punish, deter and "rehabilitate." During the last 30 years or so across the nation, there has been a growing recognition that the needs of people harmed by crime -- the victims and survivors -- were not always being addressed by "the system." Each State now has laws or constitutional amendments providing victims' rights. More recently, there has been increased understanding that concerns of crime victims do not simply disappear when an offender has been arrested, convicted and sentenced. For many people, the impacts of crime continue for years, or even a lifetime.

In corrections, we can assure victims' rights are honored AND encourage offenders to improve understanding about the harm caused by their behavior. In general, the Victim Services Office strives to promote each victim's right to fairness & respect, participation & input, information, restitution, reasonable protection, and confidentiality. We listen to their concerns and respond accordingly.

In offering corrections-based victim services, it is clear we do not, and should not, "go it alone." We work closely with victim/witness advocates in New Hampshire's prosecutors' offices as well as other agencies and community support groups. In 2001, we initiated Victim Services Liaisons in each facility and district office. Together with these NHDOC staff (representing security, programs and field services), we promote communication and improved practices to address the needs of victims and survivors.

What are the biggest concerns for crime victims after their offender has been sentenced?

For many people, the need for information and safety are the two biggest concerns. How that is defined may vary. For some, simply knowing the inmate is "locked up" is sufficient. Others want to know more, such as where the inmate is housed, what prison classification levels mean, what treatment programs are available, whether the inmate is successfully progressing through prison, and in which community the parolee will reside. Without compromising

safety
information
justice
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prison security or offender confidentiality, the Victim Services Office provides relevant information to people harmed by the crime. Being well informed helps victims/survivors determine what steps they can take to plan for their own safety. We support folks who choose to provide input about Parole Board decisions. Also, we initiated a process with prison visiting rooms to prohibit contacts between victims and offenders when "no contact" court orders are in effect. Receiving restitution is another significant concern for victims/survivors who must deal with the financial impacts of crime.

What are some of their other concerns? How are these addressed?

A former prosecutor named Ross speaks of studies showing how victims/survivors perceive crime differently than do the offender or professionals in the justice system. He notes each crime ends quickly in the physical sense (that is, the behavior addressed by a court conviction). However, the crime victim and offender are still locked in "a relationship." Each crime results in a relationship imposed upon the person victimized. Many victims/survivors want the offender to be made to understand how crime affected the other person -- the crime victim(s). Most offenders will minimize their behavior unless they learn and acknowledge the true harm caused. The Victim **IMPACT** program is one method to teach offenders how crime harms real people.

Some crime victims/survivors express a need to meet with the offender, asking a range of questions, which will help the victim deal with difficult issues. Often, these questions do not get answered in court. Ross

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the point defense counsel hopes to make. Simply answer the question and rely on the prosecutor to clear up any misleading impressions the defense attorney has left with the jury.

Be proud of your part in the justice process.

By coming forward to report the crime and testifying for a jury, you have done your part. Focus on the amount of courage you had to do just that. You may have saved someone else from being victimized. Not every case will result in a guilty verdict. Know you have done the right thing by participating and trying to bring your assailant to justice. Understand that a "not guilty" verdict does not mean "innocent." The Victim Assistance advocate can explain what is required to obtain a verdict of guilty (proof beyond a reasonable doubt) and the other possible outcomes of a trial. Crime victims' role in achieving justice makes them part of a very important process and should be a source of pride.

Nancy Harris-Burovac is Director of Victim Assistance with the Strafford County Attorney's Office. She may be reached at (603)

In New Hampshire, victims of felony crime have a legal right to:

- * Fairness & Respect
- * Participation & Input
- * Information
- * Reasonable Protection, Confidentiality
- * Restitution, Compensation

*Parole Board (from page 6)*

prison until the maximum date of sentence. And who can blame them? Most of us, if victims of sexual assault, robbery, kidnapping, battering, or burglary would feel the same way. However, parole boards cannot base their decisions on emotion. It would be easy to do so, as New Hampshire's 7 board members are parents, spouses, aunts, uncles, brothers, sisters, or grandparents. Nor can they base decisions on the crime alone. As we often explain to victims and survivors, if the Parole Board based the decision on just the criminal act, inmates would rarely earn parole. After all, no prisoner is incarcerated for acts of kindness.

So, the Board relies primarily on the criteria mentioned earlier: behavior and program participation. There are always cases that present unacceptable risks to the Board. Recently, the Board set an inmate back for two years out of concern for the victim. Even though this inmate had behaved well and participated in recommended programs, other information available to the Board indicated that this person still presented a significant threat to the victim.

In most cases, the indicators are not as clear. Offenders who meet the Board's criteria usually earn parole. It is in setting the conditions of parole that victim input is most important. Crime victims fear that if their offender is released he or she will hurt them again. Once they accept that the prisoner is likely to earn parole, attention may shift to keeping the offender away from them. The parole restrictions most often requested by victims and survivors include no contact orders and geographic restrictions. The Board almost always complies.

The Board frequently warns prisoners who have made parole: "There is absolutely no reason for you to contact your victim." Short of committing a new crime, there is no parole violation more likely to result in return to prison than contact with a victim. Similarly, the Board does not tolerate parolees entering towns, cities, or counties from which the Board has barred them. Just recently, we issued a letter of warning to a parolee who worked for one day in a town he did not realize was in a county he could not enter. Next time, he will either check the map or risk a trip to prison.

It really is as simple as that. The last thing any member of the NH Adult Parole Board wants is a repeat victim or a new victim at the hands of someone released from prison. The Board continues to work with crime victims, their advocates, and probation-parole officers to achieve the right balance between public safety, an objective parole process, and victim well being. After all, victims of crime have already been through enough.

John Eckert is Executive Assistant to the NH Adult Parole Board. He may be reached at (603) 271-2569 or jeckert@nhdoc.state.nh.us.

(Q & A (from page 6))

notes some people want to make their own assessment about "who or what the offender is" – long after sentencing. Many victims do not want to know details; but for those who do, we should be respectful and responsive to their needs. We honor those requests, as long as it can be done with safety for all involved. Victim-offender dialogue is a service now available in New Hampshire for interested victims and survivors.

How is a "dialogue" beneficial to the victim/survivor and offender? Does it have the potential to be damaging to the victim/survivor or offender?

Of course it is only beneficial if they say it is. Research in this field shows dialogue is overwhelmingly beneficial for victims and offenders who choose to do it and are properly prepared by skilled facilitators. Victims who request a dialogue tell us they have unanswered questions. Remember, by his or her behavior (crime), the offender took control away from the other person. For some crime victims, meeting with their offender in a safe setting helps empower them to get back that sense of control. Some people want to know whether their offender has changed while in prison, or is remorseful for the harm caused. This type of dialogue can be helpful for the offender to understand the full impacts of the crime and to express remorse directly to the person(s) harmed by that behavior.

In the business of corrections, safety for the public, staff and inmates is a priority. It is no different with victim-offender dialogue. Consistent with our Protocols for Victim-Offender Dialogue, extensive planning and preparation occurs separately with victims/survivors and the individual who harmed them. Through those discussions, and collaboration with corrections staff and victim advocates, the trained facilitators and both parties have reasonable expectations about what will occur during a face-to-face dialogue.

What are your current goals for the Victim Services Office?

The NHDOC has come a long way in achieving steps outlined in our first *Victim Services Action Plan*. Timely victim notification, support for victims at parole hearings, training at the Corrections and Probation-Parole Officer Academies, appointment of Victim Services Liaisons, Victim **IMPACT**, victim-offender dialogue, a policy addressing victim harassment/intimidation by inmates, and improved information-sharing have all been initiated. I'd like to see us continue to refine those to assure they are most effective.

Promoting victim safety during offender re-entry to the community is another important goal. Also, measuring our success in meeting crime victims' needs is needed. We are developing ways to learn whether what we do is satisfactory to them, consistent with their rights as crime victims. I would

NATIONAL ELDER ABUSE STUDY

According to National Elder Abuse Incidence Study :

- * Over half a million persons, aged 60 and over, experienced abuse, neglect, and/or self-neglect in a one-year period;
- * Almost four times as many new incidents of abuse, neglect, and/or self-neglect were not reported as those that were reported to and substantiated by adult protective services agencies;
- * Persons, aged 80 years and older, suffered abuse and neglect two to three times their proportion of the older population; and
- * Among known perpetrators of abuse and neglect, the perpetrator was a family member in 90 percent of cases. Two-thirds of the perpetrators were adult children or spouses.

SOURCE: National Center on Elder Abuse

like to see us improve each offender's understanding about the importance of paying restitution. Many view it as "just another bill" imposed upon them; we can do better at teaching them the real purpose and meaning of financial restitution for the crime victim.

All members of the NH Department of Corrections agree our primary role is public safety. Likewise, why not purposefully recognize that serving and protecting crime victims are significant to the way we do business? I'd like to see us recognize that as part of our overall mission.

Peter Michaud is the Victim Services Coordinator with the NH Department of Corrections. He may be reached at (603) 271-1937 or pmichaud@nhdoc.state.nh.us.

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To submit comments or request *Crossroads* by e-mail, please contact the Victim Services Office at **victimservices@nhdoc.state.nh.us**



Victim Services

New Hampshire Department of Corrections
Victim Services Office
P.O. Box 1806
Concord, NH 03302-1806
Phone: 603-271-1937 or 603-271-7351
or 1-800-479-0688 Ext. 7351 (in-state only)
Fax: 603-271-5639
Email: victimservices@nhdoc.state.nh.us

Inform & Involve Survivors of Crime
SPRING 2004

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DID YOU KNOW...?

The NH Victims' Assistance Commission can compensate eligible crime victims up to \$10,000 for crime-related expenses not covered by insurance or other resources.

In the U.S., compensation programs paid crime victims and families \$460 million in FY 2002: including 41 percent paid for medical/dental expenses, 26 percent for lost wages/support, and 15 percent for mental health costs. (Source: NACVCB, 2003)

More than 35 percent of all people reporting telemarketing fraud during the first six months of 2003 were age 60 years and older. (Source: National Fraud Information Center, 2003)

Check fraud is estimated to cost U.S. businesses \$10 billion a year. (Source: National White Collar Crime Center, 2002)

During 2003, the NH Adult Parole Board conducted 1,036 parole release hearings and 359 parole revocation hearings. (Source: NHDOC Annual Report, FY 2003)

In 1975, the Philadelphia District Attorney organized the first "Victims' Rights Week".
(Source: NCVRW Resource Guide)



"Inform & Involve Survivors of Crime"